

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Tyree Alphonso Roberts (a/k/a Abdiyyah ben Alkebulanyahh), #SK6012,)	
)	
Plaintiff,)	
)	
vs.)	
)	
)	OPINION AND ORDER
Mark Sanford; Jon E. Ozmint; Stan Burt; Fred B. Thompson; and Charles Whitten;)	
)	
Defendants.)	
)	

Plaintiff Tyree Roberts is an inmate in custody of the South Carolina Department of Corrections who currently is housed at Lieber Correctional Institution in Ridgeville, South Carolina. Plaintiff brings his complaint pursuant to 42 U.S.C. § 1983, alleging unconstitutional conditions of confinement and violation of his rights under the First Amendment.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the matter was referred to United States Magistrate Judge William M. Catoe for pretrial handling. The Magistrate Judge reviewed the complaint and on September 6, 2005 issued a Report and Recommendation for Partial Dismissal. The Magistrate Judge recommended that Defendant Mark Sanford, Governor of South Carolina, be dismissed from this action on the grounds of Eleventh Amendment immunity. Plaintiff filed no objection to the Report and Recommendation for Partial Dismissal.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is

made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After review of the record, the court concurs in the Report and Recommendation of the Magistrate Judge and incorporates it herein by reference. Defendant Mark Sanford is dismissed with prejudice on the grounds of Eleventh Amendment immunity.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

October 4, 2005

Columbia, South Carolina